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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/333,565	06/21/1999	NICHOLAS STEIGELMAN	034297-031	4249

7590

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 03/12/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/333,565

Applicant(s)

STEIGELMAN ET AL.

Examiner

Jefferey F. Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 and 3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Staber et al. (United States Patent 6,137,866), hereinafter referenced as Staber in view of legal precedence-rearrangement of parts (MPEP 2144.04 VI C).

Regarding **claim 1**, Staber discloses an indoor xDSL splitter assembly. In addition, Staber discloses assembly (10), which reads on claimed "shell", the shell having a port (35a) connect to first wire pair (52), which reads on the claimed "telephone wire", as disclosed at column 4, line 1 through column 5, line 38 and exhibited in figures 1 and 2;

the assembly containing a splitter circuit card (23), which reads the claimed "interconnection logic" operably connected to the port (35a) and an inherent telephone and telephone wire, as disclosed at column 5, 42-64 and exhibited in figure 2;

a splitter module (60), which reads on claimed "networking card" in the assembly for connecting to a personal computer, as disclosed at column 4, lines 24-33 and exhibited in figures 1 and 2, the splitter module (60) being operably connected to the splitter circuit card (23), wherein the digital data from the network card and the voice data from the inherent telephone can be alternately sent across the first wire pair (52),

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as disclosed at column 5, line 49 through column 6, line 38 and exhibited in figures 1-3; further, Staber discloses that the xDSL splitter assembly (10) may be adapted for other surfaces in a premises, however, Staber fails to disclose wherein the assembly is adapted to physically connect under a telephone. However, the examiner maintains that it was well known in the art to provide wherein the assembly is adapted to physically connect under a telephone, as taught by legal precedence-rearrangement of parts.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Staber by specifically providing wherein the assembly is adapted to physically connect under a telephone, as taught by legal precedence-rearrangement of parts, for the purpose of making better use of space.

Regarding **claim 3**, Staber and legal precedence-rearrangement of parts disclose everything claimed as applied above (see claim 1); in addition Staber discloses wherein the shell has a port (35c) to connect to the personal computer, as disclosed at column 4, lines 24-35, and exhibited in figure 2.

5. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Staber, in view of and legal precedence-rearrangement of parts, further in view of legal precedence-changes in shape (MPEP 2144.04 IV B).

Regarding claim 2, Staber and legal precedence-rearrangement of parts disclose everything claimed as applied above (see claim 1), however, Staber fails to disclose wherein the assembly is wedge shaped. However, the examiner maintains that it was

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well known in the art to provide wherein the assembly is wedge shaped, as taught by legal precedence-changes in shape.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Staber by specifically providing wherein the assembly is wedge shaped, as taught by legal precedence-changes in shape, for the purpose of making better use of space.

6. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Staber, in view of legal precedence-rearrangement of parts, further in view of Aggus et al. (United States Patent 5,862,214), hereinafter referenced as Aggus.

Regarding **claim 5**, Staber and legal precedence-rearrangement of parts, the combination, disclose everything claimed as applied above (see claim 1), however, the combination fails to disclose wherein the shell has extensions for physically connecting to the bottom of the telephone. However, the examiner maintains that it was well known in the art to provide wherein the shell has extensions for physically connecting to the bottom of the telephone, as taught by Aggus.

In a similar field of endeavor Aggus discloses a low cost adjustable base stand. In addition, Aggus discloses wherein the base stand, which reads on claimed shell has locking apertures, which read on claimed "extensions" for physically connecting to the bottom of the telephone, as disclosed at column 3, line 14 through column 4, line 59 and exhibited in figures 1-17.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing wherein the shell has extensions for physically connecting to the bottom of the telephone, as taught by Aggus, for the purpose of adjusting the desired incline position of the base.

7. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Staber, in view of legal precedence-rearrangement of parts, further in view of Goff (United States Patent 6,198,632).

Regarding **claim 6**, Staber and legal precedence-rearrangement of parts, the combination, disclose everything claimed as applied above (see claim 1), in addition Staber discloses a splitter module (60), which reads on claimed "network card", however, the combination fails to disclose wherein the network card is an Ethernet card. However, the examiner maintains that it was well known in the art to provide wherein network card is an Ethernet card, as taught by Goff.

In a similar field of endeavor Goff discloses a slim media jack. In addition, Goff discloses wherein the PCMCIA card comprises connections for both RJ-11 and RJ-45 (i.e. Ethernet) media. Further, Goff discloses wherein the PCMCIA card serves as a modem and an Ethernet card, as disclosed at column 4, lines 7-30 and exhibited in figure 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing wherein

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the network card is an Ethernet card, as taught by Goff, for the increasing the number of media interfaces that a PCMCIA card can accommodate.

8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Staber, in view of legal precedence-rearrangement of parts, the combination, in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, the combination discloses everything claimed, as applied above, (see claim 1), in addition, the combination discloses wherein the assembly, which reads on claimed "shell" is connected to personal computer, which reads on claimed "computer" via an inherent wire. Further the assembly provides electronics to connect to the processor via the wire, however, the combination fails to disclose a wireless connection to the PC. However, the examiner takes official notice of the fact that it was well know in the art to provide wireless connection.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination by specifically providing a wireless connection, for the purpose of untethered access.

Regarding **claims 12-15** above cited reference and legal precedence discloses the limitation set forth, therefore claims 12-15 and interpreted and thus rejected for the reasons set forth above in the rejection of claims 1-6

Response to Arguments

9. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is (703) 306-5836. The examiner can normally be reached on Monday-Friday 9:30am-6pm.

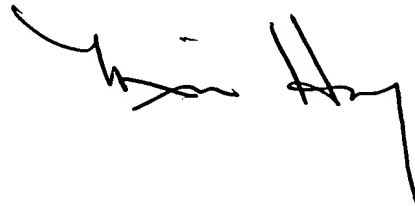
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
March 5, 2004



MINSUN CH. HARVEY
PRIMARY EXAMINER